

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AFP 104 CORP.,

Plaintiff,

V.

COLUMBIA CASUALTY COMPANY,

Defendant.

: Civil Action No. 13-CV-04077-
: PGS-LHG
:
:
:
:
:
:
: **NOTICE OF MOTION TO**
: **DISMISS PLAINTIFF’S**
: **COMPLAINT FOR FAILURE**
: **TO STATE A CLAIM**
:
:
: **MOTION DAY: AUGUST 5, 2013**
:
:

TO: Paul E. Breen, Esquire
Kellie A. Lavery, Esquire
Reed Smith, LLP
136 Main Street
Suite 250
Princeton, NJ 08540

PLEASE TAKE NOTICE that on August 5, 2013 at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorney for Defendant, Columbia Casualty Company, will move before the above-mentioned court at the U.S. District Court of New Jersey, in Trenton, New Jersey, for an Order dismissing Plaintiff's Complaint for Failure to State a Claim Upon Which Relief May be Granted.

Columbia Casualty Company requests oral argument be granted pursuant to Local Rule 78.1.

Movant will rely upon the attached Brief and Exhibits in support of this Motion.

Movant has annexed a proposed form of Order.

Respectfully submitted,

COLLIAU CARLUCCIO KEENER
MORROW PETERSON & PARSONS

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Dated: July 8, 2013